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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,050	06/24/2003	Scott A Moyer	03961	1049
23688	7590	09/17/2004	EXAMINER	
Bruce E. Harang PO BOX 872735 VANCOUVER, WA 98687-2735				STERLING, AMY JO
		ART UNIT		PAPER NUMBER
		3632		

DATE MAILED: 09/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Interview Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/604,050	MOYER, SCOTT A	
	<b>Examiner</b> Amy J. Sterling	<b>Art Unit</b> 3632	<i>NW</i>

All participants (applicant, applicant's representative, PTO personnel):

(1) Amy J. Sterling.

(3) \_\_\_\_\_.

(2) Bruce Harange.

(4) \_\_\_\_\_.

Date of Interview: 24 August 2004.

Type: a) Telephonic b) Video Conference  
c) Personal [copy given to: 1) applicant 2) applicant's representative]

Exhibit shown or demonstration conducted: d) Yes e) No.  
If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: 1 and 12.

Identification of prior art discussed: \_\_\_\_\_.

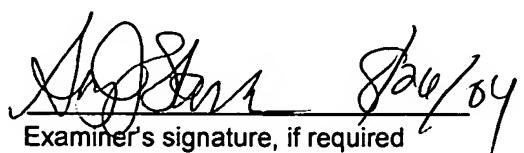
Agreement with respect to the claims f) was reached. g) was not reached. h) N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

  
Amy J. Sterling 8/24/04  
Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

#### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant explained that the living hinges in the prior art do not contain a springing action which closes the ring of the cup holder, the spring action caused by using two different types of plastic one covering the other, so that the living hinge can be flexibly opened and closed. The applicant sent proposed claims and the examiner added a phrase to indicate that the second plastic has a different composition from the first and the applicant agreed to add this to the claims in a phone call on 8/26/04.

## FAX COVER SHEET

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TO

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COMPANY

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FAX NUMBER 17033083519

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FROM Bruce E Harang

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DATE 2004-08-25 15:09:00 GMT

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RE US Appl No 10/604050 - INFORMAL - attn  
Examiner Amy Jo Sterling

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### COVER MESSAGE

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Examiner Sterling,  
Attached is an informal amendment in light of our  
phone interview of  
yesterday for:

US Appl No.: 10/604050  
Filed: 06/24/2003  
Inventor: Scott A Moyer  
Conf. No.: 1049  
Art Unit: 3632  
Examiner: Amy Jo Sterling  
Atty: Bruce E Harang  
Atty. No.: 03961  
Cust. No.: 23688

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Reply to Office action of: 07/22/2004

AMENDMENTS TO THE CLAIMS:

This listing of claims will replace all prior versions, and listings, of claims in the application:

LISTING OF CLAIMS:

1. (currently amended) A cupholder assembly adapted for use in a vehicle for supporting containers, the vehicle having a receiving aperture for receiving the cupholder assembly, the cupholder assembly comprising:

    a cupholder housing adapted for use in a vehicle and having an opening on one end adapted to accept;

    a cupholder tray adapted for slidable connection within said cupholder housing between storage and use positions; and

    a cupholder infinitely adjustable articulated arm unit adapted for permanent mounting on said cupholder tray, said cupholder infinitely adjustable articulated arm unit comprising;

        a body portion adapted for permanent mounting on said cupholder tray and further adapted to hold beverage containers, at least one articulating arm adapted to hold beverage containers and pivotal about and connected to said body portion by, a living hinge; and

    said cupholder infinitely adjustable articulated arm unit being molded of a first plastic composition having with the at least one living hinged articulating arm in a normally closed position and further molded of a first plastic composition and covered by an over-molded molding of a second plastic capable of providing a spring-like closing action to said at least one living hinged articulating arm when it is pivoted out of said normally closed position.

2. (original) The cupholder assembly as claimed in Claim 1 wherein, said cupholder assembly housing and tray are composed of a plastic.

*Of a different composition than the first part*

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3. (original) The cupholder assembly as claimed in Claim 1 wherein, said cupholder assembly housing and tray are composed of an injection molded plastic.
4. (original) The cupholder assembly as claimed in Claim 3 wherein, said injection molded plastic is polypropylene.
5. (currently amended) The cupholder assembly as claimed in Claim 1 wherein, said cupholder assembly infinitely adjustable articulating arm unit is injection molded of a polypropylene and having an over-molded covering of a compound selected from the group consisting essentially of thermoplastic elastomers (TPE), thermoplastic olefins (TPO), and polyvinyl chlorides (PVC).
6. (original) The cupholder assembly as claimed in Claim 5 wherein, said cupholder assembly infinitely adjustable articulating arm unit is over-molded with the TPE Santoprene.
7. (currently amended) A cupholder assembly adapted for use in a vehicle for supporting containers, the vehicle having a receiving aperture for receiving the cupholder assembly, the cupholder assembly comprising:
  - a cupholder housing adapted for use in a vehicle and having an opening on one end adapted to accept;
  - a cupholder tray adapted for slidable connection within said cupholder housing between storage and use positions; and
  - a cupholder infinitely adjustable articulated arm unit adapted for permanent mounting on said cupholder tray, said cupholder infinitely adjustable articulated arm unit comprising:
    - a body portion adapted for permanent mounting on said cupholder tray and further adapted to hold beverage containers,
    - two articulating arms each adapted to hold a beverage container and each pivotal about and connected to said body portion by,
  - a living hinge; and

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said cupholder infinitely adjustable articulated arm unit being molded of a first plastic composition having with the two living hinged articulating arms in a normally closed position and further molded of a first plastic composition and covered by an over-molded molding of a second plastic capable of providing a spring-like closing action to said two living hinged articulating arms when they are pivoted out of said normally closed position.

8. (original) The cupholder assembly as claimed in Claim 7 wherein, said cupholder assembly housing and tray are composed of a plastic.
9. (original) The cupholder assembly as claimed in Claim 7 wherein, said cupholder assembly housing and tray are composed of an injection molded plastic.
10. (original) The cupholder assembly as claimed in Claim 9 wherein, said injection molded plastic is polypropylene.
11. (currently amended) The cupholder assembly as claimed in Claim 7 wherein, said cupholder assembly infinitely adjustable articulating arm unit is injection molded of a polypropylene and having an over-molded covering of a compound selected from the group consisting essentially of thermoplastic elastomers (TPE), thermoplastic olefins (TPO), and polyvinyl chlorides (PVC).
12. (previously amended) The cupholder assembly as claimed in Claim 11 wherein, said cupholder assembly infinitely adjustable articulating arm unit is injection molded of a polypropylene and over-molded of a thermoplastic elastomer (TPE).

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**AMENDMENTSTOTHEDRAWINGS:**

There are no amendments to the drawings.

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### REMARKS/ARGUMENTS

Applicant's attorney thanks the Examiner for granting the phone interview of 08/24/2004 and the Examiner's helpful suggestions during said interview.

The following paragraph is a statement of the substance of this interview under 37 CFR 1.33(b):

Applicant by his attorney discussed the key features of the claimed invention residing in the use of an over-molded covering on a plastic articulating arm having a living hinge where the over-molded covering acts like a spring to return the articulated arm to its normal closed position when not in use, but which allows the articulated arm to open to accommodate a beverage container being placed in the container holder. Also discussed were the cited references and how they failed to disclose or fairly suggest the key features of Applicants' claimed invention. Examiner Sterling pointed out the areas of the claims which she found inadequate in describing the key features and offered suggestions for improving this language in the claims. Examiner Sterling agreed to review the file in light of the information discussed in the phone interview and to review this informal amendment toward finding allowable subject matter in this application and suggested that with properly drafted claims there would be allowable subject matter. There was no agreement of allowed claims during the phone interview.

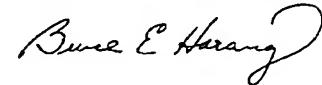
This amendment makes no changes to the Specification or Drawings presently in this application.

Claims 1, 5, 7, and 11 have been amended to more clearly define Applicant's claimed invention in that the fact that the over-molding is a covering of the core articulating arm unit by a thermoplastic elastomer. Support for these amendments may be found, for example, in paragraph [0030] lines 1 –8, paragraph [0031] lines 3 –5, and Figure 3.

In view of the remarks herein, the remarks during the telephone interview, and the amendments hereto, it is submitted that this application is in condition for allowance, and such action is respectfully solicited.

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Amdt. Dated: 8/24/2004  
Reply to Office action of: 07/22/2004

Respectfully submitted,



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